

**PLANNING COMMISSION  
CITY OF ST. GEORGE  
WASHINGTON COUNTY, UTAH  
October 22, 2013 – 5:00 PM**

**PRESENT:** Chairman Ron Bracken (*arrived at 5:17 pm*)  
Commissioner Kim Campbell  
Commissioner Nathan Fisher  
Commissioner Julie Hullinger  
Commissioner Ron Read  
Commissioner Ross Taylor  
Commissioner Ro Wilkinson  
Council Member Jimmie Hughes (*arrived at 5:06 pm*)

**CITY STAFF:**Community Development Coordinator Bob Nicholson  
Development Services Manager Wes Jenkins  
Project Manager Todd Jacobsen  
Planner I Craig Harvey  
Planner II Ray Snyder  
Deputy City Attorney Paula Houston  
Administrative Secretary Genna Singh

**EXCUSED:**

**FLAG SALUTE**

Commissioner Ron Read led the flag salute at 5:03 pm.

Commissioner Ron Read opened the meeting to Ray Snyder to present the first item.

1. **ZONE CHANGES (ZC) - PUBLIC HEARINGS (5:00 P.M.)**

- A. Consider a request for a zone change for “**Foremaster – Medical Center Drive**” to rezone a parcel from R-1-10 (Single Family Residential 10,000 square foot minimum lot size) to AP (Administrative Professional) on 30.77 acres and to OS (Open Space) on 28.77 acres. The applicant is IHC Health Services Inc. and the representative is Mr. Scott Woolsey, Alpha Engineering. Located on Medical Center Drive at approximately 600 South. Case No. 2013-ZC-012 (Staff – Ray S.)

*Jimmie Hughes arrived at 5:06*

Staff Comments:

Ray began by explaining the graphics associated with the zone change.

One thing that came up before the meeting is that the AP that wraps up around is not congruent with the General Master Plan. So we have a few options here. I’ll go through the presentation. This can be tabled for them to come back and show something that is General Plan supportive.

Or I know you can't expand a zone change but dependent upon legal opinion the Planning Commission might be able to say they are supportive of a the lesser area here (if they are) and not the area that is against the General Plan. Or we can amend the General Plan but that would require us to go back to the drawing board.

The request is to rezone all of this property from R-1-10 to AP which is mainly open to doctors, attorneys, CPAs and other limited uses. It is the idea that in the future they will build professional medical offices but there is no plan of that today. Today's application is only for zoning.

There is a narrative from Alpha Engineering answering questions concerning this zone change. I'll touch on a few of them:

- 1 – Intended use of the land: the property will be held for strategic purposes by IHC Health Services, Inc for eventual expansion of the River Road Dixie Regional Medical Center campus.
- 2- Estimated timing for any known future development: basically it states that there are no projects at this point and it could go for 10-20 years. They would like to go in an orderly progression.

As a side note for the Planning Commission and the audience: if the zone change continues tonight, this is only a request for zoning, if they want to build they will have to come in again and notify the public.

*~~Ray Snyder continued to read through the submitted narrative~~*

Ray Snyder invited Scott Woolsey up to answer questions.

Ray noted that a gentleman called today asking about height, because this application is only a zone change we do not yet know height. Thirty-five feet is the max when they do start to build, but they'll have to come in when it gets to that point. The gentleman also asked about noise, but again there is no answer for that.

Scott Woolsey stated that the property right now is owned by Foremaster Holdings. We're also going through a minor subdivision to split the property into parcels. Right now it is all owned by Foremaster. Most of this area has already been graded and is below the 20% line. As far as noise, the study cannot be done because they don't know what buildings are going in yet.

Commissioner Kim Campbell asked Scott where the line separating the OS and AP is.

Scott Woolsey stated that as far as the general plan. . .

Commissioner Kim Campbell interrupted to clarify that AP will not wrap up around so where will it go?

Scott referenced the zone change graphic and stated that the AP zone will be retained by Foremaster.

*Chairman Ron Bracken entered at 5:17*

Commissioner Nathan Fisher addressed Ray asking if what is presented currently reflects the general plan between OS and Commercial except for what's up the hill.

Ray Snyder responded that most of the AP is in conformance with the general plan and showed the Planning Commission where the line would be.

Scott Woolsey stated that we just found out the change didn't conform to the general plan. If we can get approved with the condition that the zone change line moves to be in compliance with the general plan that would be nice.

Commissioner Nathan Fisher clarified with Scott that he is bringing this forward now with the assumption that the line moves to match the General Plan. You're not asking for a change to the area not consistent, correct?

Scott Woolsey answered that that is correct. As far as time goes it would be best to do that.

Commissioner Kim Campbell asked the applicant to define the new acreage that would be changed.

Scott Woolsey responded that it's a little more than 14 acres.

Commissioner Ron Read asked if the zone change line then would be a continuation of the straight line.

Scott Woolsey answered yes; it is down the line until it hits Foremaster.

Commissioner Ron Read questioned if Scott had the ability to make that decision for IHC and Foremaster.

Scott Woolsey responded that yes, he does have that ability. The line is part of the minor subdivision that we're splitting for them as well.

Commissioner Nathan Fisher clarified so the line shows 30.77 acres, so now we're looking at about half?

Scott Woolsey responded that it would be 14.02 acres.

Commissioner Ron Read opened the public hearing.

William Folton (owner of lot 106):

"My concern is that between the three of us here, we own the majority of that line. Are you changing the designation of that OS we thought it was R-1-10?"

Commissioner Ron Read responded that it was R-1-10 and that they're changing it to OS.

William Folton asked for the three property owners present if the flat area will be residential. We were told that it would be developed as residential. Will it be R-1-10 or AP?

Commissioner Ron Read stated that it sounds like one day it might be AP but they've withdrawn that request today.

William Folton thanked the Planning Commission and stated that that was his biggest concern.

Commissioner Ron Read asked Ray if all of it is currently R-1-10.

Ray answered that the request was to take the R-1-10 and divide it into AP and OS. Some of the area would remain R-1-10.

Scott Hirschi (adjacent property owner):

"Generally I'm in favor of the proposed zone change with the modification mentioned. The bowl area adjacent to Medical Center Drive would be appropriate to rezone to AP; I think that's the proper zone. I am somewhat concerned that DRMC is confined where

they are currently. It's unfortunate that they have to expand across a major road, but the reality is that they need to expand. I am supportive of the zone change.

I am concerned about changing from residential to commercial on top. There is a new subdivision and church on this upper ridge, so assuming that the applicant comes back, I would hope that you would consider limiting the AP zone to west of the future intersection. Access is a concern, traffic moves quickly across the top of the hill. If we could limit the future zone change to west of the line I think it would be a good compromise. I think it's reasonable that the property owners want residential near them, but I also think it's reasonable for some AP use.

Another concern I have is that several years ago representatives of IHC and the City Recreation department met on site to potentially develop a park or preserve the original pioneer trail. I've been told and believe that the original 1871 pioneers came across this hill and then up towards the Dixie State campus. I suspect that this was the exact or very close to the trail the pioneers used. It would be great to keep that in mind and keep some loyalty to history. I don't know if that concern is appropriate for a zone change but whatever way is reasonable to protect that history in there would be nice."

Tom Eeriona (IHC Representative):

"I wanted to clarify that we are acquiring the 14 acres that is subject to the AP zone change tonight. We are also acquiring the thirty something acres for open space. As our application stated, we're fine with the land being OS. We know what can be developed through many studies. The area shown as OS is problematic for development without excessive cost. We're happy to see it as OS. We are acquiring both areas of zone. Our contract with the Foremasters is subject to the zone change and the minor subdivision."

Commissioner Nathan Fisher asked if the contract is on condition to the area for zone change that is being excluded tonight.

Tom Eeriona responded that no, we're concerned with the 14 acres and the OS area. Our contract does not go with that zone change there.

Commissioner Ron Read closed the public hearing and opened the discussion to the Planning Commission.

**MOTION – Commissioner Ro Wilkinson made a motion to accept zone change 1A with the submitted changes.**

**SECOND – Commissioner Julie Hullinger seconded the motion.**

**AYES:**

**Commissioner Kim Campbell**

**Commissioner Ross Taylor**

**Chairman Ron Bracken**

**Commissioner Julie Hullinger**

**Commissioner Ron Read**

**Commissioner Ro Wilkinson**

**Commissioner Nathan Fisher**

**NAYS:**

**NONE**

<b>Motion passes (7-0)</b>
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- B. Consider a request for a zone change for a future phase of the “Blackberry Court” subdivision on a 2.81 acre parcel from OS (open space) to R-1-10 (single family residential) located approximately at 1150 W Blackberry Circle. This project will be known as “**Blackberry Court Phase 3.**” The applicant is Silverbow, L.C. The representative is Rosenberg Associates. Case No. 2013-ZC-011. (Staff – Craig H.)

Staff Comments:

This parcel is not in the 100 year floodplain. This is the final phase of the Blackberry Court subdivision. Staff finds that this change is in harmony with the current General Plan of this area and the applicant has taken measures to mitigate for possible flooding and erosion hazards (rock rip-rap) including the completion of a LOMA (Letter of Map Amendment) in 2008 and LOMR-F (Letter of Map Revision) in 2013.

Chairman Ron Bracken opened the item to Planning Commission.  
Chairman Ron Bracken opened the item to the public.

Andy Decker (Baneberry Drive, rear of zone change, property owner):

“My lot is the last one on Baneberry Drive. Our concern is that our property slopes quite severely. This proposed property has been built up. If it rains heavily their property will drain to our property. Is there anything in the proposal to drain water so my property doesn’t become a lake during a rainstorm?”

Chairman Ron Bracken asked staff to respond.

Craig Harvey approached the podium and stated that that question is best for the applicant to answer.

Jared Mason (Rosenberg) approached the podium with suggestions to help drainage. We can do an open ditch from the property owner to the Bloomington Wash. From what I remember, that area was low prior to the applicant doing any work. As far as the existing storm drain you would not be able to tie in so that’s not an option

Commissioner Nathan Fisher asked where the wash runs.

Jared Mason showed the Planning Commission where the wash is on the graphics provided.

Commissioner Ross Taylor asked if it slopes in that direction

Jared Mason stated that there is slope there.

Commissioner Nathan Fisher asked if the applicant owns from that house all the way to the wash.

Jared Mason responded that yes he does so no easement would be required to make that improvement.

Chairman Ron Bracken asked the concerned resident if that plan sounded like it would work.

Commissioner Ross Taylor asked Bob if it is possible to tag a property with the indication that this issue is to be resolved on the preliminary plat.

Bryce Christensen (citizen):

“Mr Dekker’s lot and a few others are in a partial hole. Their backyard is down about 4’ into the flood plain. We have protected their homes from getting flooded again. We intend to put a block wall there and take measures to make sure that the only water that gets to the property is that that falls from the sky.

Chairman Ron Bracken took note that the issue will be fixed and that the Planning Commission will take that the item will be taken care of before anything happens.

Chairman Ron Bracken closed the item to the public and opened the item up to the Planning Commissioners for discussion.

Craig Harvey added that the squiggly line on the graphic is the 100 year flood and the thick line is the rip rap wall that has been constructed to deal with the erosion hazard and flooding.

**MOTION – Commissioner Nathan Fisher made a motion to recommend approval of item 1B.**

**SECOND – Commissioner Kim Campbell seconded the motion.**

**AYES:**

**Commissioner Kim Campbell**

**Commissioner Ross Taylor**

**Chairman Ron Bracken**

**Commissioner Julie Hullinger**

**Commissioner Ron Read**

**Commissioner Ro Wilkinson**

**Commissioner Nathan Fisher**

**NAYS:**

**NONE**

**Motion passes (7-0)**

- C. Consider a request for a zone change from RE-12.5 (Residential Estates 12,500 square feet minimum lot size) to R-1-10 (Single Family Residential 10,000 square foot minimum lot size) on 5.011 acre parcel located generally on the west side of 2160 East and north of 2450 South Streets. The project is proposed to be known as the “**Hughes Subdivision**.” The applicant is Denice Hughes. Case No. 2013-ZC-013 (Staff – Craig H.)

Staff Comments:

The applicant is seeking to change this parcel to R-1-10 to be consistent with the properties across the street from this parcel on 2160 E. and to the North.

Staff recommends that the Planning Commission carefully consider this proposal and determine if it is in the best interest of the City and area. This proposal is within the limits of the current General Plan for this area.

The current density is approximately 15 units. The proposed density will only give them one more unit so it's not a huge change. I did receive multiple calls from residents near the property asking if this will affect their animal rights. They are concerned about nuisance complaints concerning their animals.

Chairman Ron Bracken asked how deep the property is.

Craig Harvey responded that the property is 163'.

Chairman Ron Bracken asked if there would be a frontage road across the whole thing to give space for separation for the animals.

Craig Harvey – again the applicant is here if you would like to ask him questions

Commissioner Nathan Fisher – are they just going to put a road straight up through there

Craig Harvey – yes, the road would go up and cul de sac it.

Councilman Jimmie Hughes inserted that the road is already there to the south.

Chairman Ron Bracken – would the road then be on west side of the property

Councilman Jimmie Hughes responded, yes. If you look at the south end you can see where the existing road is and that will be extended.

Commissioner Ro Wilkinson asked how many lots are included in this zone change.

Craig Harvey responded that there are 16 units for the zone change area.

Councilman Jimmie Hughes added that the current zoning allows 15 units and the proposed will result in 16 units. Only one unit is gained.

Chairman Ron Bracken asked if there was any idea as to how wide the lots would be. The depth will be 163 minus the road.

Craig Harvey responded that the applicant could answer that question.

Chairman Ron Bracken inserted that it looks like 90' – 100'.

Craig Harvey added that it's a 50' wide residential road.

Chairman Ron Bracken asked if the whole 50 or half comes off of that.

Craig Harvey responded that they'll have half of that and a right of way. Of that 17-18 feet will be asphalt and curb and gutter.

Deputy City Attorney Paula Houston asked Craig if he knows how long the road will be.

Craig Harvey did not have an answer for that.

Chairman Ron Bracken added that they might have a road cut through there somewhere else.

Craig Harvey responded that the fire marshal has looked at it. With the turn-around in the middle it helps with the length.

Denise Hughes added that one reason we're looking for this zone change is because half of it has already been developed. The utilities were done when the road was put in. If it's developed at 12.5 we would have to tear up the road.

Craig Harvey add that 11.25 is the length of the road. When the whole subdivision is done it would be 22 lots total but the zone change is 16.

Chairman Ron Bracken asked how wide the lots would be

Denise Hughes responded that the lots are 80 feet wide and 139 feet deep.

Craig Harvey noted that 80' is the minimum for R-1-10 lots under the current zoning code.

Ron Bracken opened the item to the public.

Natalie Larsen (property owner on 2250 E) stated:

“8 years ago we looked at this and the concern is the large animals in this area. Large animals come and go people can have cows and horses. As the area is built out it has become more difficult to live with large animals. When the city visited this in 2006 they felt that 12.5 was appropriate and gave us a buffer in the back. You’re asking the people who buy those houses to be close to my animals but not giving them the opportunity to have animals themselves. I’m not sure who paid for the expenses of putting the utilities in but that’s unfortunate that they’re already there. I want the city to leave the zoning as it is. I think it would be nice to have the 12.5 and the road for buffer.”

Chairman Ron Bracken pointed out that regardless of zoning, the length of the lots would be the same.

Natalie Larsen countered that she understands that her property rights to have animals would remain, but the change in zoning doesn’t make for friendly neighbors.

Chairman Ron Bracken asked for an example of what the problem would be.

Natalie Larsen explained that if you have a dog that barks and your neighbor has a dog that barks there’s more tolerance there. It’s the same thing with larger animals. It’s a whole different world for people who don’t have large animals. Where does my property right become less important than Denice’s property right?

Chairman Ron Bracken noted that again, what difference does it make if it was RE-12.5 or R-1-10?

Natalie Larsen responded: animal rights.

Commissioner Nathan Fisher clarified that it only pertains to certain animals.

Ed Larson (property owner on 2250 E)

“Eight years ago when they did the original development, there was the buffer at that point. The 12.5 was to give the buffer for those lots. Most of the time you don’t go R-1-10 to A-1. You’re right that the depth is the same. I don’t think he’ll be losing money. I think it’s a buffer.”

Chairman Ron Bracken closed the public hearing and opened up the item for discussion among the planning commissioners.

Commissioner Ross Taylor commented that:

“I’m in support of the Larsen’s comment because if we zone R-1-10 there are no animal rights on that property. If you zone 12.5 the argument is that that’s a small lot for a horse, but someone could buy two adjacent lots and have large animals. Once you zone R-1-10 they can never have large animals. The best way to curb the friction is to award the opportunity to have animals if they want to. I support the idea of staying at the 15 lots at RE-12.5. I realize there’s a problem because the utilities are already in but I support the Larsen’s direction.”

Commissioner Nathan Fisher stated that it would be nice to know how many people on the 12.5 actually have large animals. I suspect it’s not a lot. The reality is that they will probably buy the 12.5 and not have large animals and still have the complaints that they are concerned about.



**MOTION – Commissioner Ross Taylor made a motion to not approve the application for the zone change and move that it remains RE 12.5.**

**SECOND – Commissioner Ro Wilkinson seconded the motion.**

**AYES**

**Commissioner Ro Wilkinson**

**Commissioner Ross Taylor**

**Commissioner Kim Campbell**

**Commissioner Julie Hullinger**

**NAYS**

**Chairman Ron Bracken**

**Commissioner Ron Read**

**Commissioner Nathan Fisher**

**Motion passes.**

**The request is DENIED (4-3).**

**2. PRELIMINARY PLAT (PP)**

Consider approval of a preliminary plat for “**Fort Pierce Business Park Lot 1**” a three (3) lot industrial / manufacturing subdivision. The property owner is Ft. Pierce Storage, LC and the representative is Mr. Randy Mortensen. The property is zoned M-1 (Industrial) and is located at 3662 South River Road. Case No. 2012-PP-040 (Staff – Wes J.).

Staff Comments:

The only thing they will need to do on the plat is to come up with a cross access agreement.

Chairman Ron Bracken asked Wes if he would work with them to ensure the cross access agreement is in place.

Wes Jenkins assured the Planning Commission that it would be taken care of.

**MOTION – Commissioner Julie Hullinger made a motion to approve item 2.**

**SECOND - Commissioner Ron Read seconded the motion.**

**AYES:**

**Commissioner Kim Campbell**

**Commissioner Ross Taylor**

**Chairman Ron Bracken**

**Commissioner Julie Hullinger**

**Commissioner Ron Read**

**Commissioner Ro Wilkinson**

**Commissioner Nathan Fisher**

**NAYS:**

**NONE**

**Motion passes (7-0)**

3. **FINAL PLAT AMENDMENTS (FPA)**

- A. Consider approval of “**Rim Rock Commercial Center Second Amended and Extended**” an eleven (11) lot commercial subdivision final plat amendment. The representative is Mr. Bob Hermanson, Bush and Guggell. The zoning is C2 (Highway Commercial) and PD-C (Planned Development Commercial and is located at approximately 170 South Street and 1470 East Street (north and east of Target). Case No. 2013-FPA-063 (Staff –Todd J.).

Staff Comments:

The purpose of this Final Plat Amendment is to vacate Lot 12 and its associated public utility and drainage easements. Lot 12 will become Red Rock Medical Office Condominiums. No other changes to this Final Plat Amendment were made or intended.

**MOTION – Commissioner Kim Campbell made a motion to approve item 3A.**

**SECOND – Commissioner Nathan Fisher seconded the motion.**

**AYE**

**Commissioner Kim Campbell**

**Commissioner Ross Taylor**

**Chairman Ron Bracken**

**Commissioner Julie Hullinger**

**Commissioner Ron Read**

**Commissioner Ro Wilkinson**

**Commissioner Nathan Fisher**

**NAY**

**None**

**Motion Passes.**

*Chairman Ron Bracken asked for motion authorizing the chairman to sign.*

**MOTION – Commissioner Kim Campbell made a motion to authorize chairman to sign.**

**SECOND – Commissioner Nathan Fisher seconded the motion.**

**AYE**

**Commissioner Kim Campbell**

**Commissioner Ross Taylor**

**Chairman Ron Bracken**

**Commissioner Julie Hullinger**

**Commissioner Ron Read**

**Commissioner Ro Wilkinson**

**Commissioner Nathan Fisher**

**NAY**

**None**

**Motion Passes.**

- B. Consider approval of “**Lot 2 of Green Valley No. 4**” and “**Lot 37 of the Overlook at Green Valley**.” This is a lot merger between two recorded subdivisions and a request to vacate the associated easements (Final Plat Amendment). The representative is Mr. Kent Provstgaard, PLS. The zoning is R-1-8 (Single Family Residential Estates 8,000 square foot minimum lot size) and R-1-10 (Single Family Residential Estates 10,000 square foot minimum lot size) is located at 1772 West Grand View Drive (Green Valley). Case No. 2013-LRE-021 (Staff –Todd J.).

Staff Comments:

The purpose of this Final Plat Amendment is to merge Lot 2 of Green Valley No. 4 with Lot 37 of The Overlook at Green Valley and vacate the easement between the two lots. No other changes to this Final Plat Amendment were made or intended.

Chairman Ron Bracken asked if this request is to take the lot out of one subdivision and place it in the other.

Todd Jacobsen responded that that is correct and clarified that state law reads that you can merge lots across subdivisions on paper rather than by plat.

Commissioner Nathan Fisher asked if it will just be one lot number at that point.

Todd Jacobsen responded that the county will give it one tax id number.

Commissioner Nathan Fisher countered asking how they identify it at that point.

Todd Jacobsen responded that it's all by the tax id.

Chairman Ron Bracken noted that you would think out of one and into another.

Todd Jacobsen clarified that this way is more of a document by deed rather than by plat.

Chairman Ron Bracken questioned if the county would accept this method.

Todd Jacobsen assured the Planning Commission that we've done it like this before.

Commissioner Kim Campbell asked if the lot owners choose which CCR to follow.

Todd Jacobsen inserted that there are no CCRs for either of these lots.

Deputy City Attorney Paula Houston noted that this was a change to state law a few years ago to try to make the process easier and cheaper for applicants.

Todd Jacobsen noted that it's hard on our end but better for the applicant.

Commissioner Ron Read asked if the county would just pick up the legal description rather than a property number.

Todd Jacobsen stated that the main reason we're here is the easement vacation. That has to be approved by council.

Deputy City Attorney Paula Houston added that we approve the merger and then the county will be able to change it on their end and edit the description.

Commissioner Kim Campbell asked: so having the zone doesn't make a difference?

Todd Jacobsen answered, no. They have their house on one lot, the other lot will be more for a pool and basketball court.

Commissioner Kim Campbell noted that they can't build another building or anything back there then.

Todd Jacobsen answered that they can't if the lots are not merged.

Commissioner Nathan Fisher addressed Deputy City Attorney Paula Houston asking if these types of mergers are only allowed if CCRs are not existing.

Deputy City Attorney Paula Houston answered that if CCRs do exist they just have to go through and figure out which ones apply. Typically you'll go with the one that the house is built on.

Todd Jacobsen reminded the commissioners that this particular lot merger does not have CCRs.

**MOTION Commissioner Ross Taylor made a motion to recommend approval to the Final Plat Amendment number 3B.**

**SECOND Commissioner Kim Campbell seconded the motion.**

*Chairman Ron Bracken asked if the motion included authorization for chairman signature.*

*Todd Jacobsen clarified that the chairman's signature is not needed.*

**AYE**

**Commissioner Kim Campbell**

**Commissioner Ross Taylor**

**Chairman Ron Bracken**

**Commissioner Julie Hullinger**

**Commissioner Ron Read**

**Commissioner Ro Wilkinson**

**Commissioner Nathan Fisher**

**NAY**

**None**

**Motion Passes.**

4. **FINAL PLATS (FP)**

- A. Consider approval of a final plat for "**Meadow Park Phase 2**" a twenty-one (21) lot residential subdivision plat. The representative is Mr. Roger Bundy, R&B Surveying. The property is zoned R-1-10 (Single Family Residential Estates 10,000 square foot minimum lot size) and is located at approximately at approximately 3350 South Street and 2330 East Street (Little Valley area, south of the Little Valley Elementary School). Case No. 2013-FP-043. (Staff – Todd J.)

Staff Comments:

Todd Jacobsen noted that any plat in Little Valley includes information concerning nuisances with animals.

- B. Consider approval of a final plat for "**Rim Rock Office Condominiums**" a one (1) lot commercial condominium subdivision plat. The representative is Mr. Bob Hermanson, Bush and Gudge. The zoning is C2 (Highway Commercial) and PD-C (Planned Development Commercial) and is located at approximately 262 South 1470 East Street (behind or east of Target). Case No. 2013-FP-062. (Staff – Todd J.)

Staff Comments:

The purpose of this Final Plat Amendment is to vacate Lot 12 and its associated public utility and drainage easements. Lot 12 will become Red Rock Medical Office Condominiums. No other changes to this Final Plat Amendment were made or intended.

- C. Consider approval of a final plat for “**Stone Cliff Phase 12**” a two (2) lot residential subdivision plat. The representative is Mr. Reid Pope, Pope Engineering. The property is zoned PD-R (Planned Development Residential) and is located at approximately 2000 East Pinnacle Drive (Stone Cliff development – west of the water tank). Case No. 2013-FP-052. (Staff – Todd J.)
- D. Consider approval of a final plat for “**Sun River St George Ph 19**” an eighteen (18) lot residential subdivision plat. The representative is Mr. Brandon Anderson, Rosenberg Associates. The property is zoned PD-R (Planned Development Residential) and is located at approximately 4900 South and 2000 West, along Woodruff Circle (Sun River – south of the roundabout located on Horizon View Drive). Case No. 2013-FP-018. (Staff – Todd J.)

Chairman Ron Bracken opened the items to the planning commission.

Deputy City Attorney Paula Houston asked Todd if Water approved the Stone Cliff Plat.

Wes Jenkins approached the podium and responded that yes they did approve it. They are currently working out with the city to add another tank. There is room on that lot to put another tank and redo the piping.

Deputy City Attorney Paula Houston asked if there’s sufficient water for those lots.

Wes Jenkins responded no, that’s why they need the second tank

Deputy City Attorney Paula Houston clarified if we’re approving without that being finalized.

Wes Jenkins stated that that’s the direction we’ve been given.

**MOTION – Commissioner Julie Hullinger made a motion to approve items 4A, B, C, and D and authorize the chairman to sign.**

**SECOND – Commissioner Ross Taylor seconded the motion.**

*Commissioner Nathan Fisher asked Paula if the motion needed a condition placed on item 4D concerning the water tank.*

*Deputy City Attorney Paula Houston stated that she will check before the item goes to city council. Obviously water is an issue before approval.*

**AYE**

**Commissioner Kim Campbell**

**Commissioner Ross Taylor**

**Chairman Ron Bracken**

**Commissioner Julie Hullinger**

**Commissioner Ron Read**

**Commissioner Ro Wilkinson**

**Commissioner Nathan Fisher**

**NAY**

**None**

**Motion Passes.**

5. **MINOR SUBDIVISION (LRE)**

Consider approval of a minor subdivision for “**IHC Health Services**” a three (3) lot commercial minor subdivision plat. The representative is Mr. Scott Woolsey, Alpha Engineering. The property is zoned R-1-10 (Single Family Residential Estates 10,000 square foot minimum lot size) and is located east of Medical Center Drive (Foremaster Ridge). Case No. 2013-LRE-022 (Staff – Todd J.)

Staff Comments:

This goes back to the first zone change you heard tonight. They’ll have one lot on the south, one in the middle, and one on the north. They want to do it this way so later they can do a subdivision plat.

Commissioner Ross Taylor sought clarification asking: did we not just approve the zone change for lots 2 and 1 only, not lot 3?

Todd Jacobsen cleared up the confusion stating that the lot split is separate from the zone change. They can come back and do it later.

**MOTION - Commissioner Ross Taylor made a motion to approve Item 5, Minor Subdivision.**

**SECOND – Commissioner Nathan Fisher seconded the motion.**

**AYE**

**Commissioner Kim Campbell**

**Commissioner Ross Taylor**

**Chairman Ron Bracken**

**Commissioner Julie Hullinger**

**Commissioner Ron Read**

**Commissioner Ro Wilkinson**

**Commissioner Nathan Fisher**

**NAY**

**None**

**Motion Passes.**

6. **EASEMENT VACATION / LOT SPLIT (LRE)**

- A. Consider approval of an easement vacation for “**Wittwer - SG-5-3-3-237 & 238.**” The representative is Mr. Roger Bundy, R&B Surveying. The property is zoned A-1 (Agricultural) and is located at 3394 East 2000 South Street. Case No. 2013-LRE-023. (Staff – Todd J.)

Staff Comments:

There are two lots here. They moved the lot line two months ago and weren’t ready to do their easement vacations. Now they are ready for that so they can start building. There are easements in place for the new lot line already.

- B. Consider approval of a lot split for “**IHC Health Services & LDS Church – SG-832-C-1.**” The representative is Mr. Clay Tolbert, Southwest Consulting Services.

The property is zoned RCC (Residential Central City) and AP (Administrative Professional) and is located between 200 East Street and 300 East Street and north of 600 South Street. Case No. 2013-LRE-024. (Staff – Todd J.)

Staff Comments:

IHC will retain the parking lot and will sell to the church the empty parcel. They will be giving us an easement for the power line.

**MOTION – Commissioner Nathan Fisher made a motion to recommend approval for items 6a and 6b.**

**SECOND – Commissioner Ro Wilkinson**

**AYE**

**Commissioner Kim Campbell**

**Commissioner Ross Taylor**

**Chairman Ron Bracken**

**Commissioner Julie Hullinger**

**Commissioner Ron Read**

**Commissioner Ro Wilkinson**

**Commissioner Nathan Fisher**

**NAY**

**None**

**Motion Passes.**

7. **CONDITIONAL USE PERMIT (CUP)**

Consider a request for a Conditional Use Permit for a **detached accessory garage** with a building wall height that exceeds the allowable building wall height of eight feet (8') for a setback of five feet (5') or less to the rear and side property lines, unless a Conditional Use Permit is approved for a setback five (5') feet or less with a wall height greater than eight (8') feet as per City Code 10-7B-6(B)(6) "Modifying Regulations." The subject property is located at 3627 S. 2870 East. The zoning is R-1-10 (Single-Family Residential – 10,000 square foot minimum lot size). Mr. Troy Christensen is the applicant. Case No. 2013-CUP-016. (Staff – Craig H.).

Staff Comments:

The Title 10, Chapter 7B "Modifying Regulations," Section 10-7B-6(B)(6) reads: "*Building setbacks from rear and side property lines vary depending on the height of the vertical wall nearest to side or rear property line according to the following table (unless a conditional use permit is granted for a higher wall):*"

The detached garage is located in the rear yard thirteen (13') feet from the main dwelling and eighteen (18") inches from the side and rear property lines.

The structure's overall height is fourteen (14') feet.

Mr. Christensen has indicated to staff that the detached garage will have the same finishes and colors as the existing home, see narrative in agenda packet.

The wall height on this shed is 10' and they're coming in because they are short 3' on their setback. The plans show the garage is 13'4", when he adds the tile it will be 14'.

As far as the findings; the garage will have the same finish materials as the house. The only thing we think that would apply would be the rain gutters. Under safety the applicant will have rain gutters with splash guards to prevent water from running off onto his neighbor's property.

The applicant's property is lower than his neighbors which is an advantage for him concerning wall height. The garage has the appearance of not being that tall when looked at from adjacent properties. That mitigates the visual impact from the neighbors.

Commissioner Ro Wilkinson asked if there was anything built on the lot next to him. She also asked if approval from his neighbors is required.

Craig Harvey responded that the code does not require it. However, we recommend you talk to your neighbors. Because of the height difference of the properties we find that it mitigates those concerns.

Commissioner Kim Campbell questioned the distance between the garage and fence.

Craig Harvey answered that the distance is 19" from garage to wall. The property line however is on the other side of the wall.

Commissioner Nathan Fisher clarified that the ordinance concerns the property line not the wall. He asked for clarification on what the "zero to five feet" means.

Craig Harvey responded that they could put it right next to fence if they wanted to (if the wall was 8 ft tall). That doesn't include the roof; it's just the wall of the building.

*Commissioner Nathan Fisher and Craig Harvey discussed wall height and setback requirements.*

Craig Harvey concluded by stating that in an RE zone the minimum setback is 2 feet. If he was one street over this wouldn't even be an issue.

**MOTION – Commissioner Julie Hullinger made a motion to approve Item 7.**

**SECOND – Commissioner Nathan Fisher seconded the motion.**

**AYE**

**Commissioner Kim Campbell**

**Commissioner Ross Taylor**

**Chairman Ron Bracken**

**Commissioner Julie Hullinger**

**Commissioner Ron Read**

**Commissioner Ro Wilkinson**

**Commissioner Nathan Fisher**

**NAY**

**None**

**Motion Passes.**



8. **MINUTES**

Consider approval of the Planning Commission minutes for September 17, 2013.

**MOTION – Commissioner Ro Wilkinson made a motion to accept minutes as stated.**

**SECOND – Commissioner Julie Hullinger seconded the motion.**

**AYE**

**Commissioner Kim Campbell**

**Commissioner Ross Taylor**

**Chairman Ron Bracken**

**Commissioner Julie Hullinger**

**Commissioner Ron Read**

**Commissioner Ro Wilkinson**

**Commissioner Nathan Fisher**

**NAY**

**None**

**Motion Passes.**

**ADJOURN**

**MOTION – Commissioner Kim Campbell made a motion to adjourn.**

**SECOND – Commissioner Nathan Fisher seconded the motion.**

**AYE**

**Commissioner Kim Campbell**

**Commissioner Ross Taylor**

**Chairman Ron Bracken**

**Commissioner Julie Hullinger**

**Commissioner Ron Read**

**Commissioner Ro Wilkinson**

**Commissioner Nathan Fisher**

**NAY**

**None**

**Meeting adjourned.**